REMARKS

By way of the present response, claim 42 is amended, claims 43-86 are canceled without prejudice or disclaimer, and new claims 87-106 are added. Claims 42 and 87-106 currently are pending.

In section 4 of the Action, the Examiner maintained the rejection of claims 42-52 and 73-86 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-17 of U.S. Patent No. 6,001,432 (hereinafter, "the '432 patent") in view of Jansen et al. (U.S. Patent No. 5,073,785) and optionally the Kamaji et al. (U.S. Patent No. 4,979,467). Insofar as the Office may consider this rejection to apply to amended claims, Applicants respectfully traverse.

Initially, Applicants point out that the cancellation of claims 43-52 and 73-86 renders moot the rejection of these claims.

With respect to the pending claims, independent claim 42 has been amended to recite the processes of generating a plasma in a form of plane for depositing the diamond-like carbon film, and forming the diamond-like carbon film on a magnetic layer formed over a substrate by a plasma chemical vapor deposition using the plasma. Support fort the amendments can be found throughout the original disclosure, for example, on page 14, lines 27-30. Applicants respectfully submit the presently recited combination of features is not mentioned or suggested by the claims of the '432 patent, and that the Jansen et al. and Kamaji et al. patents fail to remedy these deficiencies. Hence, the rejection under the judicially created doctrine of obviousness-type double patenting based on the '432 patent should be withdrawn.

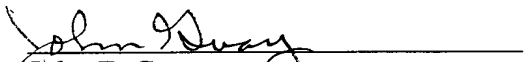
Furthermore, each of new independent claims 89, 92 and 100 recite, among other things, features of forming a diamond-like carbon film on a magnetic layer formed over a substrate by a plasma chemical vapor deposition using the plasma. As pointed out above, no combination of the '432 claims, and Jansen et al. and Kamaji et al. patents teach or suggest these features. Accordingly, new claims 89, 92 and 100, and hence also new dependent claims 87, 88, 90, 91, 93-99 and 101-106, are considered allowable.

The Office Action also includes provisional rejections of all pending claims 42-86 under the judicially created doctrine of obviousness-type double patenting, as allegedly being unpatentable over various combinations of claims 42-44, 53-58, 60-62 and 64-69 of co-

pending Application No. 09/438,581 alone or in combination with secondary references. The cited U.S. Patent Application No. 09/438,581 is currently pending. In view of the above remarks, and as provided in MPEP §804 (p. 800-19), it is respectfully requested that the Examiner withdraw these rejections and permit the instant application to issue as a patent.

Based on the forgoing, it is respectfully submitted that this application is in condition for allowance. Prompt notification of the same is earnestly solicited.

Respectfully submitted,



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